

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

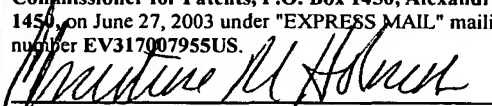
In re the application of: Eric D. Schwartz et al.

Filed: Concurrently Herewith

For: ADJUSTABLE ILLUMINATION SYSTEM FOR A BARCODE SCANNER

Mail Stop Patent Application  
Commissioner for Patent  
P.O. Box 1450  
Alexandria, Va 22313-1450

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Christine M. Holmes

**PRELIMINARY AMENDMENT**

Sir:

Prior to examination, Applicants wish to amend the subject application as follows:

**In the Claims:**

Please cancel claims 1-35 and 37.

Please amend claim 36 as set forth in Attachments A and B hereto.

**REMARKS**

The original claims 36-42 of the parent case were finally rejected under 35 U.S.C. 102(b) as being anticipated by Krichever et al. (U.S. Patent 5,254,844). In view of that reference the claims have been amended to more clearly distinguish over that reference. In particular, the subject matter of claim 37 has been incorporated into claim 36, and claim 37 has been cancelled.

The applicants claims as now recited include the steps of adjustably positioning a lens on a receiving surface so as to focus at a point in space, adjusting the position of the lens on the receiving surface so as to focus on a desired point in space and finally securing the lens to said forward receiving surface.

The Krichever method is to secure a focusing lens 36 onto a barrel by gluing or clamping, then moving the focusing lens 36 relative to the diode 32 for scanning purposes. It is the Examiner's position that in moving the lens to obtain the scanning effect, the Krichever reference is "in effect